

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOHN A. MOFFETT,

Plaintiff,

vs.

SMF SYSTEMS CORPORATION, a
Maryland corporation; TOM
CAFFREY; RUBY CAFFREY; DOE
CORPORATIONS 1-20; DOE
PARTNERSHIPS 1-20; DOE
ENTITIES 2-10; JOHN DOES 1-20;
JANE DOES 1-20; DOE
GOVERNMENTAL AGENCIES 1-20,

Defendants.

CIVIL NO. 03-00130 MLR/BMK

AFFIDAVIT OF DONNA H.
KALAMA

AFFIDAVIT OF DONNA H. KALAMA

STATE OF HAWAII)
)
) SS.
CITY AND COUNTY OF HONOLULU)

DONNA H. KALAMA, being duly sworn on oath, declares and says:

1. I am one of the attorneys for Plaintiff John A. Moffett in this action and am licensed to practice law in all courts of the State of Hawaii. I make this affidavit on personal knowledge.

2. I attended the consultation between the parties on the issue of attorneys' fees and costs on December 28, 2005. At no time before or during this

consultation was I aware that Defendants intended to supplement their Motion for Attorneys' Fees and Costs to request the attorney's fees for H. Clyde Long (hereinafter referred to as "Attorney Long"). After the consultation, Defendants' counsel sent our office a letter advising that they would be amending their Motion to include fees for Attorney Long.

3. On April 9, 2005, I personally attended the deposition of Mark Johnson in Herndon, Virginia. On the date of the deposition, the deponent, court reporter, and videographer were present at the noticed time. No one was present for Defendants. At approximately 10:10 a.m., Defendants' mainland counsel, Attorney Long, called into the deposition room. Attorney Long stated that he was going to be appearing by telephone. He claimed that he had made arrangements with the court reporting firm the day before, but the court reporter who was present stated he was not aware of any such arrangements. After noting that there was no speaker phone in the conference room, a hotel manager was called in. After speaking with the hotel manager, Attorney Long got on the phone with me and stated that he would not be able to participate in the deposition for technical reasons, and asked that I make a statement to that effect on the record for him, which I did as a courtesy. At no time did Attorney Long participate in the deposition of Lt. Col. Mark Johnson.

Further affiant sayeth naught.



DONNA H. KALAMA

Subscribed and sworn to before me
this 12th day of January, 2006.

Lorrie T. Cuartero
Printed Name: LORRIE T. CUARTERO
Notary Public, State of Hawaii

My Commission expires: 9/19/2008

